

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re ) Chapter 7  
 ) Case No. 19-23016  
MICHELLE ALEXANDRE, ) **Hon. Timothy A. Barnes**  
 ) **Hearing Date: June 15, 2020**  
Debtor. ) **Time: 1:00 p.m.**

**Notice of Motion**

**TO:** *See Attached Service List*

PLEASE TAKE NOTICE that on **June 15, 2020**, at **1:00 p.m.**, I shall appear before the **Honorable Timothy A. Barnes** or before any other bankruptcy judge sitting in his stead, and then and there present the **Trustee's Motion to Compel Debtor's Compliance with Statutory Duties**, a true and correct copy of which is attached hereto and hereby served upon you.

**This motion will be presented and heard telephonically.** No personal appearance in Court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at [www.Court-Solutions.com](http://www.Court-Solutions.com) or by calling Court Solutions at (917) 746-7476.

A PARTY WHO OBJECTS TO THIS MOTION AND WANTS IT CALLED MUST FILE A NOTICE OF OBJECTION NO LATER THAN TWO (2) BUSINESS DAYS BEFORE THE PRESENTMENT DATE. IF A NOTICE OF OBJECTION IS TIMELY FILED, THE MOTION WILL BE CALLED ON THE PRESENTMENT DATE. IF NO NOTICE OF OBJECTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING BEFORE THE DATE OF PRESENTMENT.

STEVEN R. RADTKE, TRUSTEE  
Attorney ID No. 0312-4816  
79 WEST MONROE STREET  
SUITE 1314  
CHICAGO IL 60603  
(312) 346-1935

CERTIFICATE OF SERVICE

I, Steven R. Radtke, hereby certify that on June 8, 2020, I caused a true and correct copy of the foregoing Notice of Motion and the document identified therein to be served:

Electronically via the Court's electronic notice for registrants on:

Office of the U.S. Trustee, Patrick S. Layng, [USTPRegion11.ES.ECF@usdoj.gov](mailto:USTPRegion11.ES.ECF@usdoj.gov)

Roy McCampbell, [roy\\_mccampbell@comcast.net](mailto:roy_mccampbell@comcast.net)

Arnold H. Landis, [Arnoldlandis1am@ameritech.net](mailto:Arnoldlandis1am@ameritech.net)

Bruce C. Dopke, [bdopke@stahlcowen.com](mailto:bdopke@stahlcowen.com)

Dana O'Brien, [dana.obruien@mccalla.com](mailto:dana.obruien@mccalla.com)

Nisha B. Parikh, [bankruptcy@fal-illinois.com](mailto:bankruptcy@fal-illinois.com)

Paul M. Bach, [paul@bachoffices.com](mailto:paul@bachoffices.com)

Peter C. Bastianen, [ND-Four@11.cslegal.com](mailto:ND-Four@11.cslegal.com)

And via first class mail, postage prepaid, on:

Michelle Alexandre  
1409 N. Thatcher  
River Forest, IL 60305

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In re ) Chapter 7  
 ) Case No. 19-23016  
MICHELLE ALEXANDRE, ) **Hon. Timothy A. Barnes**  
 )  
Debtor. )

**TRUSTEE'S MOTION TO COMPEL DEBTOR'S COMPLIANCE  
WITH STATUTORY DUTIES**

Steven R. Radtke, not individually, but solely in his capacity as Chapter 7 trustee ("Trustee") of the bankruptcy estate of Michelle Alexandre (the "Debtor"), moves this Court to compel Debtor to comply with her duties under the applicable provisions of the Bankruptcy Code and Rules. In support of this Motion, the Trustee states as follows:

1. On August 15, 2019 (the "Petition Date") the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. On December 10, 2019 (the "Conversion Date"), upon the motion of the United States Trustee, this Court entered an order converting the Debtor's Chapter 11 case to a case under Chapter 7 of the Bankruptcy Code, and Steven R. Radtke was appointed as the Chapter 7 trustee.

**A. Rule 1019(5)(A) of the Federal Rules of Bankruptcy Procedure.**

3. Fed. R. Bankr. P. 1019(5)(A), provides in pertinent part as follows:

*"(A) Conversion of Chapter 11 or Chapter 12 case.* Unless the court directs otherwise, if a chapter 11 . . . case is converted to chapter 7, the debtor in possession . . . shall:

- (i) not later than 14 days after conversion of the case, file a schedule of unpaid debts incurred after the filing of the petition and before the conversion of the case, including the name and address of each holder of a claim; and Fed. R. Bankr. P. 1009.
- (ii) not later than 30 days after conversion of the case, file and transmit to the United States trustee a final report and account."

4. To date Debtor has not complied with Fed.R.Bankr.P. 1019(5)(A), despite repeated representations that compliance was forthcoming.

**B. Section 521 of the Bankruptcy Code.**

5. The Debtor has a duty to file complete and accurate Schedule of Assets and Liabilities. The Trustee's investigation indicates that the schedules are incomplete and do not accurately list all of her assets. Representative examples are set forth in the paragraphs below.

6. According to her Schedule A/B, debtor acknowledged having a legal or equitable interest in only the following five properties: i) 1409 N. Thatcher, River Forest, IL; ii) 942 S. Swain, Elmhurst, IL; iii) 1021 N. Harlem Ave., Oak Park, IL; iv) 626 Manchester Ave., Westchester, IL, and v) 547 S. 24<sup>th</sup> Ave., Bellwood, IL.

7. The Trustee's independent investigation indicates that Debtor is also the owner of record of the following four properties: i) 808 N. Broadway Ave., Melrose Park, IL, (ii) 1619 N. 22<sup>nd</sup> Ave., Melrose Park, IL, iii) 1207 N. 16<sup>th</sup> Ave., Melrose Park, IL; and 1530 N. 23<sup>rd</sup> Ave., Melrose Park, IL.

8. Further investigation uncovered unscheduled litigation which Debtor was pursuing in state court. It is unknown whether debtor failed to properly schedule any other assets or liabilities.

9. To date, Debtor has not amended her schedules so that they accurately reflect her assets and liabilities, despite repeated assurances that the schedules would be amended.

10. The Debtor has a duty to cooperate with the Trustee as necessary to enable him to perform his duties. Where applicable, requests for relief under 11 U.S.C. 521(a)(3) will be filed by separate motion.

**WHEREFORE**, the Trustee respectfully requests that the Court enter an order directing Debtor, on or before a date certain, to (i) file a schedule of unpaid chapter 11 debts and a final report and account in accordance with Fed.R.Bankr.P. 1019(5)(a) and (ii); file amended schedules, including her Schedules A/B and D, to accurately and completely disclose her assets and liabilities; and (iii) and that the Court grant such other and further relief as this Court may deem just and appropriate.

Respectfully submitted,

Steven R. Radtke, Trustee, as trustee of the  
Bankruptcy Estate of Michelle Alexandre, Debtor,

By: /s/ Steven R. Radtke  
Steven R. Radtke, Trustee

Steven R. Radtke (#0312-4816)  
CHILL, CHILL & RADTKE, P.C.  
79 West Monroe Street, Suite 1314  
Chicago IL 60603  
Tel.: (312) 346-1935  
Fax: (312) 346-1935  
[sradtke@chillchillradtke.com](mailto:sradtke@chillchillradtke.com)  
AlexandreMoCompelDebtorCompliance